

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rodriguez et al.

Application No.: 09/342,971

Filed: June 29, 1999

For: ADVERTISING EMPLOYING
WATERMARKING

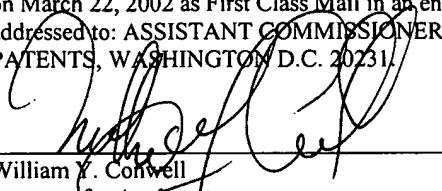
Examiner: D. Lastra

Date: March 22, 2002

Art Unit 2162

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on March 22, 2002 as First Class Mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.


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AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Responsive to the Office Action dated December 28, 2001, applicant responds as follows:

REMARKS

Claims 1-5 remain pending in the application.

The Examiner based the Section 103 rejections premised on Rathus on the understanding that "...it would have been obvious to a person of ordinary skill in the art ... that the invisible bar code described in Rathus et al (see column 6, lines 10-16) would be read by the visible light scanner taught in Rhoads."

Applicant requests the Examiner to reconsider his view on this point.

Rathus does not provide any detail about implementation of an "invisible bar code."

The only form of invisible bar code known to applicant is a bar code printed in an ultraviolet-responsive ink. Such an arrangement is taught, for example, in U.S. Patent 6,357,799 (copy enclosed).

If this is the type of "invisible bar code" arguably contemplated by Rathus' non-enabling disclosure, then it will be recognized that such bar code could not be read by "the visible light scanner taught in Rhoads." Such marking is not manifested except with ultraviolet illumination.